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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/427,388	10/26/1999	KEVIN LLOYD GRIMES	RCA-89.086	3105
24498	7590	08/03/2005	EXAMINER HARPER, KEVIN C	
THOMSON LICENSING INC. PATENT OPERATIONS PO BOX 5312 PRINCETON, NJ 08543-5312			ART UNIT 2666	PAPER NUMBER

DATE MAILED: 08/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/427,388

Applicant(s)

GRIMES ET AL.

Examiner

Kevin C. Harper

Art Unit

2666

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 March 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 3-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Response to Arguments***

Applicant's arguments filed March 11, 2005 have been considered but are moot in view of the new ground(s) of rejection. The indicated allowability of claims 2 and 10-12 is withdrawn in consideration of Cuccia in view of Eyer.

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 3 and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cuccia (US 6,157,673) in view of Eyer et al. (US 5,982,411).

1. Regarding claims 1, 3 and 10-12, Cuccia discloses an adaptive transport decoder (figs. 1 or 2) comprising a source of a first stream of packets (TSx; fig. 3) each including a payload and having a first transport protocol, a source of a second stream of packets, a protocol decoder (fig. 1, item 102; fig. 2, item 202) coupled to the sources for extracting payloads from the packets, and a selector (fig. 1, item 104; fig. 2, item 204) coupled to the packet sources and an output terminal coupled to the protocol decoder for selecting one of the first stream of sources to the decoder.

2. However, Cuccia does not disclose that the packets have a first and second transport protocol. Eyer discloses a source of a first stream of packets (item 240) having a first transport protocol (col. 7, line 61 through col. 8, line 6; col. 10, lines 59-63), a source of a second stream of packets (item 250) having a second transport protocol (col. 8, lines 8-13; col. 8, lines 13-17). A protocol decoder (item 265) is coupled to the first and second packet stream sources and

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extracts the respective payloads from the packets (col. 7, lines 63-65; col. 8, lines 5-7) from a selected one of the first and second packet sources (col. 9, lines 33-36 and 43-56). Data from the packet header (fig. 3, item PH) is stored in a register for later use by the decoder (col. 4, line 56 through col. 5, line 2). Further regarding claim 3, the protocol decoder is a processor (col. 7, lines 63-65) responsive to control programs for extracting payloads from respective transport streams. The protocol decoder inherently has a third control program for switching between the first control program and the second control program (col. 9, lines 33-42). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to receive and decode transport streams of different transport protocols in the inventions disclosed in Cuccia in order to view television programs transmitted through different networks (Eyer, col. 2, lines 23-38 and 45-50).

3. Further, although it appears in Eyer that the decoding is inherently different for the received digital terrestrial signal (i.e., standardized ATSC) and the received digital satellite signal (i.e., proprietary DSS or standardized DBS), it would be obvious to one skilled in the art at the time the invention was made to have different digital processing in the invention of Cuccia in view of Eyer for the respective digital formats in order to properly decode the audio, video and data within the packets of these different digital formats when selected by a user.

Claims 4-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cuccia in view of Eyer et al. as applied to claim 3 above, and further in view of Yu (US 5,410,709).

4. Regarding claims 4-9, Cuccia in view of Eyer does not disclose that the first and second control programs comprise a packet handler, several interrupt drivers and an interrupt vector containing a pointer to an interrupt driver, and reallocating a buffer. Yu discloses a controlling

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system (Figure 1) that has interrupt vectors for pointing to stored control information (col. 4, line 67 through col. 5, line 7) and user information (Figure 2b). The control programs are chosen using a third control program (col. 5, lines 10-15) and a buffer is reallocated (Figure 3a, step MLX DR., "index into interrupt"). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have a interrupt drivers and interrupt vectors for pointing to memory locations and reallocate memory locations to a buffer in the invention of Cuccia in view of Eyer in order to appropriately invoke control information at designated times.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Harper whose telephone number is 571-272-3166. The examiner can normally be reached weekdays from 11:00 AM to 7:00 PM ET.

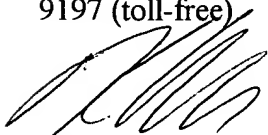
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema S. Rao, can be reached at 571-272-3174. The centralized fax number for the Patent Office is 571-273-8300. For non-official communications, the examiner's personal fax number is 571-273-3166 and the examiner's e-mail address is kevin.harper@uspto.gov.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications associated with a customer number is available through Private PAIR only. For more information about the PAIR system, see portal.uspto.gov. Should you have questions on

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access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-

9197 (toll-free)



Kevin C. Harper

August 1, 2005



DANG TON  
PRIMARY EXAMINER